

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HENRY UNSELD WASHINGTON : CIVIL ACTION

V. : NO.19-196

KANSKY DELISMA, MD, ET AL. :

**MOTION OF DEFENDANT, LAURENE DONNELLY, CRNP, TO DISMISS
THE AMENDED COMPLAINT (DOC. 46) OF HENRY UNSELD WASHINGTON**

Defendant, Laurene Donnelly, CRNP (“Donnelly”) respectfully request that her Motion to Dismiss the Amended Complaint of Henry Unseld Washington (“Washington”), a pro se inmate, be granted and states in support thereof the following:

1. Washington filed an Amended Complaint in this case alleging that Donnelly, violated his constitutional rights and has a cause of action against her pursuant to 42 U.S.C. §1983 and the relevant provisions of the United States Constitution. A copy of the Amended Complaint is attached as Exhibit “A”.

2. The Amended Complaint is a confusing jumble of paragraphs and allegations which are difficult to read, comprehend and are legally deficient.

3. Washington made the same complaints and allegations in Washington v. Dr. Stramat, United States District Court for the Western District of Pennsylvania No. 17-70 with many of the same medical defendants, such as Roxanne Playso, PA Ellis Kauffman, PA, Richard Hutchinson, PA that appear in the Amended Complaint. A copy of that Amended Complaint is attached as Exhibit “B”.

4. Washington should not be allowed to continue to file the same lawsuit over and over. The Washington v. Stramat matter is pending before this Court and deals with the same

medical issues and alleged violations. The instant action is nothing more than a continuation of that earlier action and should be dismissed.

6. Washington's Amended Complaint violates Federal Rule of Civil Procedure 8.

The Amended Complaint is 44 pages, single spaced print, encompassing 373 paragraphs, plus a Declaration of 11 pages and combined bringing the total paragraphs to 423. It is against multiple Medical and Department of Correction Defendants. The Amended Complaint spans from stomach pain to being denied religious material because he is the self proclaimed leader of a religious group. It continues to a review of his once large biceps which were the envy of all men and the attraction of all women to having possible Covid-19 symptoms.

7. Washington's Amended Complaint is virtually unintelligible with confusing crisscrossing references..

8. An examination of Amended Complaint establishes no plausible basis for proving deliberate indifference to a serious medical need. The Amended Complaint fails to state a claim in any way or manner against Donnelly.

9. In Count III of the Amended Complaint, Washington attempts to state a claim pursuant to free speech and exercise of religion. He submits nothing to support these claims.

10. In Count III of the Amended Complaint, he also attempts to state a claim for free speech and being retaliated against for filing grievances. He submits nothing to support these claims.

11. Donnelly incorporates by reference as if set forth herein in full her brief in support of her Motion to Dismiss requesting the granting of her Motion to Dismiss.

WHEREFORE, Defendant, Laurene Donnelly, CRNP, respectfully request that her Motion to Dismiss the Amended Complaint of Henry Unseld Washington be granted and that the Amended Complaint be dismissed with prejudice.

GOLD & FERRANTE, P.C.

BY: /S/ ALEXANDER R. FERRANTE
ALEXANDER R. FERRANTE
Attorney for Defendants, Kansky Delisma, MD,
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CERTIFICATE OF SERVICE

I hereby certify that I have sent a true and correct copy of Defendant, Laurene Donnelly, CRNP, Motion to Dismiss the Amended Complaint of the Plaintiff via US First Class Regular Mail and ECF Filing (noted below) on this date to the following individuals:

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/s/ ALEXANDER R. FERRANTE
ALEXANDER R. FERRANTE

DATE: October 28, 2020